

AN ORDINANCE BY

04-0-0488

COUNCIL MEMBER NATALYN ARCHIBONG AS SUBSTITUTED BY  
COMMUNITY DEVELOPMENT & HUMAN RESOURCES COMMITTEE

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE, ON BEHALF OF THE CITY, TO NEGOTIATE FOR AND PURCHASE PROPERTY OF APPROXIMATELY 1.05 ACRES IN THE CITY OF ATLANTA KNOWN AS THE ORNSTEN PROPERTY FROM THE CONSERVATION FUND FOR AN AMOUNT NOT TO EXCEED \$129,150, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA GREENSPACE PROGRAM; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS FROM ACCOUNT NUMBER 1C28-574001N 12P06129989; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Ornsten Property is approximately 1.05 acres of undeveloped, forested land that is located on Roseclair Drive at the corner of Willow Wood Circle, and identified as Parcel ID 15-204D05-013 (the "Property"); and

**WHEREAS**, the Property serves as a storm water basin, has a sewer easement running through it, and has a stream running through it;

**WHEREAS**, the preservation of the Property from development is consistent with the City of Atlanta's goals of acquisition and preservation of additional greenspace; and

**WHEREAS**, The Conservation Fund (the "Owner"), the present owner of the Property, has agreed to sell the Property to the City of Atlanta (the "City") at a price significantly below the appraised value of \$129,150.

**WHEREAS**, The Conservation Fund is a non-profit, 501 (c) (3) organization, whose business is to negotiate property donations on behalf of public agencies or to purchase properties, providing tax incentives to property owners, and hold such properties in trust until the public agency has the funds to purchase the properties.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

**SECTION 1:** That the Mayor or her designee, on behalf of the City, is hereby authorized to negotiate with the Owner to purchase the real property known as the Ornsten Property, located on Roseclair Drive at the corner of Willow Wood Circle, and identified as Parcel ID 15-20413-05-013, at a price no greater than the property's Fair Market Value of \$129,150.

**SECTION 2:** That Fund, Account, Center Number 1C28-574001N 12P06129989, Streamside Greenspace Projects, is to be used for the Property acquisition cost and payment of charges, including but not limited to surveys, environmental assessments, appraisals, title reports, title insurance, and other closing costs, but excluding consultant service fees, in a total amount not to exceed \$129,150.

**SECTION 3:** That the Mayor or her designee is hereby authorized to obtain surveys, title reports, and appraisals to establish the fair market value of the Property, and to accordingly determine the amount to be offered to the Owner for the Property.

**SECTION 4:** That the requirements of City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived to allow the purchase of the Property on behalf of the City without further authorization by the Atlanta City Council.

**SECTION 5:** That the City's Greenspace Acquisition Consultant, US Infrastructure, Inc., is authorized to settle those acquisitions of Property at an amount authorized by the Chief Procurement Officer.

**SECTION 6:** That upon acquisition, the Department of Watershed Management is hereby charged with all responsibility for the Property and shall maintain the land in perpetuity as undeveloped, passive greenspace, in order to protect the watershed and the stream on the Property; and that the deed for the Property shall provide that such Property shall remain permanently preserved as undeveloped passive greenspace.

**SECTION 7:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed for purposes of this Ordinance only, and only to the extent of the conflict.

**AN ORDINANCE**

**04-○ -0488**

**BY COUNCIL MEMBER NATALYN ARCHIBONG**

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO NEGOTIATE AND PURCHASE PROPERTY OF APPROXIMATELY 1.05 ACRES IN THE CITY OF ATLANTA KNOWN AS THE ORNSTEN PROPERTY FROM THE CONSERVATION FUND FOR AN AMOUNT NOT TO EXCEED \$129,150, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA GREENSPACE PROGRAM; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.**

**WHEREAS,** the Ornsten Property (the "Property") is approximately 1.05 acres of undeveloped, forested land that is located on Roseclair Drive at the corner of Willow Wood Circle, and identified as Parcel ID 15-204D-05-013; and

**WHEREAS,** the preservation of the Property from development is consistent with the City's goals of acquisition and preservation of additional greenspace; and

**WHEREAS,** the East Lake Neighborhood Association is pursuing a relationship with Park Pride to assure the future maintenance of the property; and

**WHEREAS,** The Conservation Fund has agreed to help the City of Atlanta (the "City") in the acquisition and preservation of the Property by working with the Department of Planning and Community Development and the Department of Parks, Recreation, and Cultural Affairs; and

**WHEREAS,** The Conservation Fund, the present owner of the Property, has agreed to sell the Property to the City significantly below the appraised value of \$129,150.

**WHEREAS,** The Conservation Fund is a non-profit, 501- (c) (3) organization, whose business is to negotiate property donations on behalf of public agencies or to purchase properties, providing tax incentives to property owners, and hold such properties in trust until the public agency has the funds to purchase the properties; and

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

**SECTION 1:** That the Mayor or her designee is hereby authorized to negotiate with the property owner, The Conservation Fund, to purchase real property known as the Ornsten Property, located on Roseclair Drive at the corner of Willow Wood Circle, and identified as Parcel ID 15-204D-05-013, at a price no greater than the property's Fair Market Value of \$129,150.

**SECTION 2:** That Fund, Account, Center Number 1C28-774001-N12P06129989, Streamside Greenspace Projects, is to be used for the property acquisition cost and payment of charges, including but not limited to surveys, environmental assessments, appraisals, title reports, title insurance, and other closing costs, but excluding consultant service fees, in a total amount not to exceed \$129,150.

**SECTION 3:** That the Mayor or her designee is hereby authorized to obtain surveys, title reports, and appraisals and to establish just compensation thereon to be offered to the property owner.

**SECTION 4:** That the requirements of City Code Section 2-1541 (d) of the Procurement and Real Estate Code are waived to allow the purchase of property on behalf of the City without further authorization of City Council.

**SECTION 5:** That the City's Greenspace Acquisition Consultant, US Infrastructure, Inc., is authorized to settle those acquisitions of property at an amount authorized by the Chief Procurement Officer.

**SECTION 6:** That upon acquisition, the Department of Parks, Recreation, and Cultural Affairs, Bureau of Parks, is hereby charged with all responsibility for the Property purchased with funds allocated in the Fund-Account-Center Number specified in Section 2; and that the deed for each tract shall provide that such properties shall remain permanently preserved as greenspace with passive recreation for the benefit of the public.

**SECTION 7:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.